

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

EVELYN TRAYLOR PARKER,

Plaintiffs,

v.

CAROLYN W. COLVIN,

Defendants.

Case No. 2:12-cv-01152-LDG-PAL

ORDER

Plaintiff Evelyn Traylor Parker was denied disability benefits by the Social Security Administration (SSA), both as an initial matter and upon reconsideration, a decision subsequently affirmed by an administrative law judge (ALJ). Plaintiff thereafter brought the instant complaint in federal court, and moves to remand her denial of benefits. Defendant Commissioner of the SSA has filed a cross-motion to affirm the decision of the ALJ. A report of findings and recommendation was issued on February 04, 2014, by Magistrate Judge Peggy Leen, recommending that plaintiff's motion to remand be denied, and defendant's motion to affirm be granted.

Courts "set aside a denial of benefits only if it is not supported by substantial evidence or if it is based on legal error . . . If the evidence can reasonably support either affirming or reversing" the decision, the court must affirm. *Flaten v. Secretary of Health &*

1 *Human Services*, 44 F.3d 1453, 1456 (9th Cir. 1995). The Magistrate Judge has
2 conducted a comprehensive analysis, and the record sustains her determination that the
3 denial of benefits is supported by substantial evidence. Having reviewed the sound
4 recommendation of the Magistrate Judge, this Court will adopt her findings and
5 conclusions.

6 Accordingly,

7 THE COURT **ORDERS** that the Magistrate Judge's report of findings and
8 recommendation (#31) is ADOPTED.

9 THE COURT FURTHER **ORDERS** that plaintiff's motion to remand (#27) is
10 DENIED.

11 THE COURT FURTHER **ORDERS** that the Commissioner's cross-motion to affirm
12 (#30) is GRANTED.

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15 DATED this 5 day of September, 2014.

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Lloyd D. George

19 United States District Judge
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